

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 REMOH GARRY,

4 Plaintiff

Case No. 3:19-cv-00238-MMD-WGC

5 v.

ORDER

6 NEVADA DEPARTMENT OF
7 CORRECTIONS DIRECTOR,

8 Defendants

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10 **I. DISCUSSION**

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
12 (“NDOC”), has filed a notice of intent to file a civil rights complaint. (ECF No. 1, 2). Plaintiff
13 has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

14 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
15 complaint with the court.” Fed. R. Civ. P. 3. Therefore, the Court grants Plaintiff thirty
16 (30) days from the date of this order to submit a complaint to this Court.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
18 application to proceed *in forma pauperis* and attach both an inmate account statement
19 for the past six months and a properly executed financial certificate. Plaintiff will be
20 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
21 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application
22 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
23 *pauperis*, including the required financial attachments.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
27 as the document entitled information and instructions for filing an *in forma pauperis*
28 application.

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2 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
3 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
4 the correct form with both an inmate account statement for the past six months and a
5 properly executed financial certificate in compliance with 28 U.S.C. § 1915(a); or (2) pay
6 the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
7 administrative fee).

8 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
9 thirty (30) days from the date of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
11 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
12 Clerk of the Court also will send Plaintiff a copy of his notice of intent. (ECF No. 1-1).

13 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
14 dismissal of this action may result.

15 DATED: May 13, 2019.

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17 William G. Cobb
18 UNITED STATES MAGISTRATE JUDGE
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